IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):	Yakov Kamen, et al.
SERIAL NUMBER:	09/784,840
FILED:	February 15, 2001
FOR:	METHOD AND APPARATUS FOR A THREE-DIMENSIONAL WEB-NAVIGATOR
GROUP ART UNIT:	2179
ATTORNEY DOCKET NO.:	091451.00114

Mail Stop Appeal Brief - Patent
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUBSTITUTE APPEAL BRIEF

1. REAL PARTY IN INTEREST

The real party in interest is Appellant, Eagle New Media Investments, LLC, having an address of: 435 North Michigan Avenue, c/o Tribune Media Services, Inc., Chicago, Illinois 60611, United States of America.

2. RELATED APPEALS AND INTERFERENCES

Upon information and belief, there are no other appeals or interferences that will directly affect or be directly affected by or having a bearing on the Board's decision in this pending Appeal.

3. STATUS OF CLAIMS

Claims 1-4 and 6-11 are pending and Claim 5 was canceled.

Claims 1-4 and 6-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US 6,611,262 B1) and Dalal et al. (US 6,363,404 B1).

The rejection of Claims 1-4 and 6-11 are hereby appealed.

4. STATUS OF AMENDMENTS

No Amendment was filed subsequent to final rejection. Rather, in response to the April 10, 2006 "final" Office Action, Applicant filed a Notice of Appeal and Request for Three Month Extension of Time on October 10, 2006.

5. SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1 is directed to a computer-implemented method for creating a three-dimensional navigation of a virtual three-dimensional space comprising associating a plurality of uniform resource locators obtained from a video presentation (Pipeline 40 of Fig.1) (Page 6, lines 25-27) (Format Converter 110 of Fig. 1)(Page 7, lines 11-20) into a corresponding plurality of textures and mapping the textures on geometric surfaces which define a three-dimensional space (Pipeline 40 of Fig. 1)(Page 6, lines 29-31)(Format Converter 110)(Page 7, lines 21-32). Also, Page 3, lines 2-12; Page 4, lines 19-27; See Method of Fig. 4, Page 10, lines 16-33.

Independent Claim 2 is directed to a computer-implemented method comprising identifying at least one event associated with a three dimensional image having a plurality of surfaces, each of which is associated with a uniform resource locator obtained from a video presentation determining a position of one of said surfaces in a virtual three-dimensional space (Event interceptor

130, locator 140 and area computing engine 150 of Fig. 2)(Page 8, lines 4-34). Also, Page 3, lines 13-26; Page 4, line 28 to Page 5, line 3.

Independent Claim 6 is directed to an apparatus comprising a processor coupled to a memory, the memory having stored therein instructions which when executed by the processor (Processor 17, Storage device 18)(Fig. 1, Page 5, line 14 to Page 6, line 4) cause the processor to associate a plurality of uniform resource locators obtained from a video presentation with a corresponding plurality of textures map the textures on corresponding surfaces of a three-dimensional object located in a virtual three-dimensional space, which forms the three-dimensional navigation mechanism and an interconnect (Interconnect 15 of Fig. 1) coupled to the processor and the memory to allow the data to be transported between the memory and the processor (Fig. 2, Page 7, line 4 to Page 7, line 4). Also, Page 3, lines 13-26; Page 4, line 28 to Page 5, line 3.

Independent Claim 9 is directed to a storage medium (Storage device 18 of Fig. 1) including instructions stored thereon which when executed cause a computer system (Processor 17 of Fig. 1) to perform a method including correlating a plurality of uniform resource locators obtained from a video presentation into a corresponding plurality of textures and mapping the textures on surfaces of three-dimensional objects located in a three-dimensional space. (Event interceptor 130, locator 140 and area computing engine 150 of Fig. 2)(Page 8, lines 4-34). Also, Page 3, lines 13-26; Page 4, line 28 to Page 5, line 3.

6. GROUNDS OF REJECTIONS ON APPEAL

Whether an adequate basis has been set forth to reject Claims 1-4 and 6-11 under Section 103 as being unpatentable over Suzuki and Dalal et al.

7. ARGUMENT

Claim 1 stands rejected under 35 U.S.C. 103(a)as being unpatentable over Suzuki and Dalal

Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki and Dalal. The Examiner contends that it would have been obvious to one of ordinary skill in the art "to modify Suzuki's method of attaching textures to 3D objects to include Dalal's method for providing hyperlinking within textures of 3D models because it provides users with an interface that increases the ease of user interaction by facilitating selection and manipulation of objects and textures in a 3D environment having multiple regions or geometric surfaces" (emphasis added).

Appellant respectfully asserts that no teaching, suggestion or motivation has been set forth in support of the Section 103 rejection. Therefore, under the current state of the legal precedent of *KSR v Teleflex* pending before the U.S. Supreme Court (Case No. 04-1350), a *prima facie* showing of obviousness under Section 103 has not been set forth.

The assertion that the combination of Suzuki with Dalal as urged by the Examiner "provides users with an interface that increases the ease of user interaction by facilitating selection and manipulation of objects and textures in a 3D environment having multiple regions or geometric surfaces" constitutes nothing more than classic picking and choosing select elements of

the prior art with 20/20 hindsight of Applicants' invention. Modern legal precedent on obviousness no longer requires synergistic combinations. Nor is every combination invention that is easier to use *de facto* obvious. Rather, the prior art must provide the teaching, motivation or suggestion necessary for a *prima facie* showing of obviousness.

Moreover, since Dalal teaches using "stored markup documents", it actually teaches away from the claimed invention because it does not teach or suggest that a URL obtained from a video presentation may be associated with a plurality of textures which are mapped on geometric surfaces which define a three-dimensional space.

Applicants therefore respectfully urge reversal of the rejection of Claim 1.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki and Dalal

The Examiner asserts that the Suzuki/Dalal combination teaches identifying events associated with a 3D image having a plurality of surfaces, each associated with a link (URL) determining a position of the surface in a virtual 3D space, and placing an event driven result on the surfaces.

Applicants repeat their arguments made in connection with Claim 1 and again note that Dalal's "stored markup documents" do not teach or suggest that a URL obtained from a video presentation may be associated with a plurality of textures which are mapped on geometric surfaces which define a three-dimensional space.

Claims 4, 8 and 10 are rejected under 35 U.S.C. 103(a)as being unpatentable over Suzuki and Dalal

The Examiner asserts that the Suzuki/Dalal combination teaches a processing unit having hardware and software components for storing markup documents in texture image file and a three-dimensional processing component for mapping the information in a texture image file.

Applicants repeat their arguments made in connection with their respective independent claims and again note that Dalal's "stored markup documents" do not teach or suggest that a URL obtained from a video presentation may be associated with a plurality of textures which are mapped on geometric surfaces which define a three-dimensional space.

Claims 7 and 11 are rejected under 35 U.S.C. 103(a)as being unpatentable over Suzuki and Dalal

The Examiner asserts that Suzuki/Dalal teach a storage medium including instructions (Fig. 1) which when executed cause a computer system to correlate links into a corresponding texture and map the textures on surfaces of 3D objects located in the 3D space.

Applicants repeat their arguments made in connection with their respective independent claims and again note that Dalal's "stored markup documents" do not teach or suggest that a URL obtained from a video presentation may be associated with a plurality of textures which are mapped on geometric surfaces which define a three-dimensional space.

Claim 9 is rejected under 35 U.S.C. 103(a)as being unpatentable over Suzuki and Dalal

Referring to Claim 1, the Examiner asserts that Suzuki/Dalal teaches a storage medium including instructions which when executed cuase a computer system to correlate links (URLs) into a corresponding texture and map the textures on surfaces of 3D objects located in the 3D space.

Applicants repeat their arguments made in connection with Claim 1 and again note that Dalal's "stored markup documents" do not teach or suggest that a URL obtained from a video presentation may be associated with a plurality of textures which are mapped on geometric surfaces which define a three-dimensional space.

8. CLAIMS APPENDIX

1. (Previously amended)A computer-implemented method for creating a three-dimensional navigation of a virtual three-dimensional space comprising:

associating a plurality of uniform resource locators obtained from a video presentation into a corresponding plurality of textures; and

mapping the textures on geometric surfaces which define a three-dimensional space.

2. (Previously amended) A computer-implemented method comprising:

identifying at least one event associated with a three dimensional image having a plurality of surfaces, each of which is associated with a uniform resource locator obtained from a video presentation;

determining a position of one of said surfaces in a virtual three-dimensional space.

3. (Previously presented) The computer-implemented method of claim 2, further comprising:

placing an event driven result on one of said surfaces.

4. (Previously presented) The computer-implemented method of claim 1, wherein a three-dimensional pipeline is used in converting information obtained from at least one uniform resource locator.

5. (Canceled)

6. (Previously presented) An apparatus comprising:

a processor coupled to a memory, the memory having stored therein instructions which when executed by the processor cause the processor to associate a plurality of uniform resource locators obtained from a video presentation with a corresponding plurality of textures

map the textures on corresponding surfaces of a three-dimensional object located in a virtual three-dimensional space, which forms the three-dimensional navigation mechanism; and

an interconnect coupled to the processor and the memory to allow the data to be transported between the memory and the processor.

7. (Previously presented) The apparatus of claim 6, further comprising instructions which when executed by the processor cause the processor to

determine a position of the surface on the three-dimensional object in the virtual three-dimensional space; and

place an event driven result on the surface of the three-dimensional object in the virtual three-dimensional space.

8. (Previously presented) The apparatus of claim 6, wherein a three-dimensional pipeline is used to transfer information obtained from a uniform resource identifier.

9. (Previously amended) A storage medium including instructions stored thereon which when executed cause a computer system to perform a method including:

correlating a plurality of uniform resource locators obtained from a video presentation into a corresponding plurality of textures; and

mapping the textures on surfaces of three-dimensional objects located in a three-dimensional space.

10. (Previously presented) The storage medium of claim 9, wherein a three-dimensional pipeline is used to transfer information obtained from the uniform resource identifier.

11. (Previously presented) The storage medium of claim 9, wherein the method further includes:

computing a position of a surface on the three-dimensional object in the virtual three-dimensional space; and

placing an event driven result on the surface of the three-dimensional object in the virtual three-dimensional space.

9. EVIDENCE APPENDIX

Upon information and belief, there is no evidence related to this case.

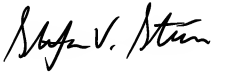
10. RELATED PROCEEDINGS APPENDIX

Upon information and belief, there are no related proceedings to this application.

CONCLUSION

Applicant, through its undersigned attorney, requests oral argument to more fully explain the claimed invention with the Board and amplify the distinctions discussed above. It is respectfully urged that the Examiner's rejections of the Claims are without proper foundation as a matter of law. Reversal of the rejections is respectfully requested.

Respectfully submitted,



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